

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD FEBRUARY 2, 2021**

CALL TO ORDER

At 7:00 p.m. the Mayor called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

The following Council members were present:

Gentiana Brahimaj
Manuel Couto
Jeanne Kingsley
Alvaro Medeiros
Jeff Varnerin
Stephen Yellin
Angie D. Devanney, Mayor

Also present were:

Township Attorney: Chris Corsini
Township Administrator: Liza Viana
Township Clerk: Ana Minkoff

FLAG SALUTE

Mayor Devanney asked everyone present to stand for the Flag Salute.

TOWNSHIP COUNCIL REPORTS

Councilmembers provided Council Reports and Committee updates.

ADMINISTRATION REPORTS

Mayor Devanney provided the Mayor's Report.

Ms. Viana provided the Administrator's Report

Approval of Township Council and Administration Reports

Mover: Mrs. Brahimaj
Seconder: Mr. Yellin
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None
Result: *Approved*

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JANUARY 19, 2021.

The Clerk presented and read:

- 1. An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") at Chapter 2.69 ("Department of Wastewater Treatment") to add a new Section 2.69.050 entitled "Operations Foreman".**

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Explanation: This Ordinance amends the Township Code to create the position of operations Foreman.

Opening of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mr. Medeiros
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

Mayor Devanney read a statement regarding the procedures for public comment given the virtual (ZOOM) meeting.

No voices were heard.

Closing of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mr. Medeiros
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

Adoption on final passage of Ordinance as read by the Township Clerk and hearing held hereon and direction of the Township Clerk to advertise same in the Courier News

Mover: Mr. Couto
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None
Result: Adopted

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

Mover: Mr. Medeiros
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

No voices were heard.

Closing of the Hearing on Agenda Items Only

Mover: Mr. Medeiros
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None

Absent: None

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated February 2, 2021 in the amount of \$942,736.56.

Approval of Resolution

Mover: Mr. Yellin

Second: Mrs. Kingsley

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

2. Resolution appointing Jason Massimino as Chief of Police of the Berkeley Heights Police Department.

Mayor and Councilmembers welcomed Chief Massimino

Approval of Resolution

Mover: Mrs. Kingsley

Second: Mr. Yellin

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

Mayor Devanney administered the Oath of Office to Jason Massimino. Mayor and Council congratulated Chief Massimino. Chief Massimino thanked the Mayor and Council.

3. Resolution authorizing the execution of a developer's Agreement for the property located at 110 Roosevelt Avenue, Block 1301, Lot 19 (Toll Brothers).

Approval of Resolution

Mover: Mr. Couto

Second: Mrs. Brahimaj

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

4. Resolution authorizing an amended Collective Bargaining Agreement with the United Public Service Employees Union for the blue-collar workers at the Waste Water Treatment Plant, covering the period from January 1, 2019 through December 31, 2022.

Approval of Resolution

Mover: Mr. Varnerin

Second: Mr. Yellin

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Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None
Result: Approved

5. Resolution authorizing the sale of surplus personal property on the State-approved online auction website of Municibid.

Approval of Resolution

Mover: Mr. Medeiros
Seconder: Mr. Varnerin
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None
Result: Approved

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

6. Consent Agenda Resolutions (a-i)

- a. Resolution approving a tax overpayment to Elshiekh Enterprises LLC in the amount \$3,236.66, for the property located at 496 Springfield Avenue.
- b. Resolution approving a tax overpayment to Berkeley Crossing Urban Renewal in the amount \$4,718.55, for the property located at 182 Plainfield Avenue.
- c. Resolution approving a tax overpayment to Kristiann Ebert in the amount \$4,198.00, for the property located at 115 Kent Drive.
- d. Resolution approving a tax overpayment to Aldenisio and Edna M. Campanha in the amount \$333.03, for the property located at 143 Kline Boulevard.
- e. Resolution endorsing the application of a Blue light permit for Joseph Savino, a member of the Berkeley Heights Rescue Squad.
- f. Resolution endorsing the application of a Blue light permit for Sharon Rubenstein, a member of the Berkeley Heights Rescue Squad.
- g. Resolution endorsing the application of a Blue light permit for Stephen Kirsch, a member of the Berkeley Heights Rescue Squad.
- h. Resolution appointing Jacob Germansky, to the Berkeley Heights Volunteer Fire Department.
- i. Resolution appointing James Rubino, to the Junior Division of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions # 6 a-i

Mover: Mrs. Brahimaj
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None
Result: Approved

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for February 16, 2021.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending The Code of the Township of Berkeley Heights, Appendix A (“Municipal Land Use Procedures Ordinance”) to replace the current OR-A and OR-A1 Zones with a new Mixed-Use Zone”.

EXPLANATORY STATEMENT: This Ordinance amends the Code of the Township of Berkeley Heights’s Municipal Land Use Procedures Ordinance by replacing the current OR-A and OR-A1 Zones with a new Mixed-Use Zone.

That the Ordinance as read by the Township Clerk be offered on first reading and that February 16, 2021 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Yellin
Nays: None
Abstain: Mr. Varnerin
Absent: None
Result: Approved

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mr. Couto
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

Ms. Bianci, the Township’s JCP&L Representative, expressed her thanks to the Berkeley Heights emergency personnel and line workers for their work during the recent storm. Mayor Devanney responded.

Mr. Chen of 6 Deep Dale Drive highlighted several upcoming Lunar New Year events.

Mr. Kane of 46 Sycamore Avenue congratulated the new Police Chief and thanked DPW for their work during the recent storm.

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Mr. Kane asked for information on the Littel-Lord property. Mr. Yellin responded.

Mr. DiPasquale, former Police Chief, spoke about the qualifications of Mr. Massimino and expressed his congratulations and well wishes in his role as Police Chief.

Ms. Illis of 102 Twin Falls Road congratulated Chief Massimino and thanked the DPW for their work during the storm. She asked why the Connell rezoning ordinance had to be re-introduced. Mayor Devanney responded.

Ms. Illis asked for an update on the Truth and Racial Healing committee. Mayor Devanney responded and a discussion followed.

Closing of the Citizens Hearing

Mover: Mr. Couto
Seconder: Mr. Yellin
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

EXECUTIVE SESSION –

- 1. Attorney-Client Privilege – Contract Negotiations – Library**
- 2. Attorney-Client Privilege – Municipal Complex**

Move to go into Executive Session

(7:55 p.m.)

Mover: Mrs. Kingsley
Seconder: Mr. Yellin
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mr. Varnerin, Mr. Yellin
Nays: None
Abstain: None
Absent: None

Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

ADJOURNMENT

Moved by Mr. Varnerin to adjourn and all were in favor.

(8:37 p.m.)

Approved: April 6, 2021



Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This Ordinance amends the Township Code to create the position of Operations Foreman.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. 1 - 2021

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") at Chapter 2.69 ("Department of Wastewater Treatment") to add a new Section 2.69.050 entitled "Operations Foreman"

WHEREAS, the Township Council believes it is in the Township's best interest to create a new position titled Operations Foreman within the Township's Department of Wastewater Treatment.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, New Jersey, as follows:

Section 1. Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") is hereby supplemented and amended at Chapter 2.69 ("Department of Wastewater Treatment"), to add a new Section 2.24.050 entitled "Operations Foreman", which shall read as follows: [New language **bold and underlined.**]

Chapter 2.69 – DEPARTMENT OF WASTEWATER TREATMENT

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2.24.050 Operations Foreman.

A. **The Operations Foreman shall be in charge of all operations at the water pollution control plant, and shall have the following duties and responsibilities:**

1. **Supervising all operators, leadmen, and foremen, scheduling and assigning employees to specific duties as needed;**
2. **Working with the Director of Wastewater Treatment and administrative staff on any administrative tasks necessary for proper and efficient operation of the plant;**
3. **Soliciting bids for work, gathering information for purchase orders and writing up purchase orders as needed;**
4. **Assisting with compiling and maintaining operational and other records and reports pertaining to water and wastewater activities;**

5. Assisting with planning and scheduling of maintenance and construction of water and wastewater lines;
6. Interviewing, training, and managing the performance of the waste water operations staff;
7. Coordinating and working with waste water operations staff to ensure all pretreatment systems are functioning properly, and preventive maintenance is performed on equipment as scheduled and planned;
8. Assisting the Director of Wastewater Treatment with various tasks related to capital projects, including developing scope of work, selecting engineering design consultants, and performing on-site supervision of contractors performing the work;
9. Managing the chemical inventory process, and ensuring chemicals are ordered, stored properly, disposed of properly and available for the waste water treatment systems and plant sanitation;
10. Acting as an operator as needed, at the discretion of, and performing other duties as assigned by, the Director of Wastewater Treatment.

B. The Operations Foreman shall be a full-time position subject to salary and compensation as may be established by the Township salary ordinance and any applicable collective negotiations agreement.

Section 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 3. This Ordinance is not meant to repeal any provisions of the Code or any other ordinance other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.

Section 4. This Ordinance shall be presented to the Mayor for approval and signature, which approval shall be granted or denied within ten days of receipt of same, pursuant to N.J.S.A.

40:69A-149.7. If the Mayor fails to return this Ordinance with either approval or objection to same within ten days after it has been presented, then this Ordinance shall be deemed approved.

Section 5. This Ordinance shall take effect upon passage and publication according to law.


INTRODUCED the 19th day of January, 2021.

ADOPTED the 2nd day of February, 2021.

By: 

Angie Devanney, Mayor

ATTEST:


Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2020

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") at Chapter 2.69 ("Department of Wastewater Treatment") to add a new Section 2.69.050 entitled "Operations Foreman"

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **January 19, 2021** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **February 2, 2021** at **7:00** p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, and or via Zoom: <http://zoom.us/j/3575747364>, if you need to enter a meeting ID it is **357-574-7364**. At which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ				<input checked="" type="checkbox"/>
COUTO	✓			
KINGSLEY	✓			
MEDEIROS	✓			
VARNERIN	✓			
YELLIN	✓			
TIE:				
MAYOR DEVANNEY				

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON JANUARY 19, 2021:**

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") at Chapter 2.69 ("Department of Wastewater Treatment") to add a new Section 2.69.050 entitled "Operations Foreman."

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on February 2, 2021.

**Ana Minkoff,
Township Clerk
Township of Berkeley Heights**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
BRAHIMAJ	✓			<input type="checkbox"/>
COUTO	✓			
KINGSLEY	✓			
MEDEIROS	✓			
VARNERIN	✓			
YELLIN	✓			
TIE:				
MAYOR DEVANNEY				

